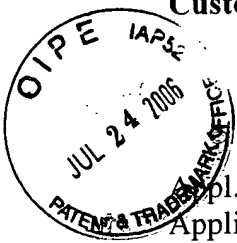


A F W

Customer No. 30,223

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

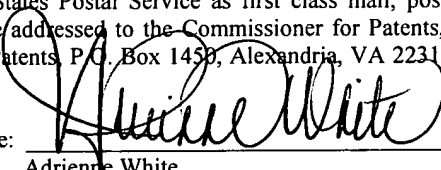
Appl. No. : 09/980,430
Applicant : Aart Zeger van Halteren *et al.*
Filed : March 29, 2002
Title : COIL CONSTRUCTION FOR AN ELECTROACOUSTIC TRANSDUCER
TC/A.U. : 2644
Examiner : Huyen D. Le

Docket No. : 47161-00031USPX

TRANSMITTAL OF REPLY APPEAL BRIEF

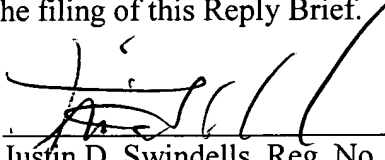
Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, Mail Stop Appeal Brief - Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 19, 2006.	
Signature:	
	Adrienne White

Pursuant to 37 C.F.R. § 41.41, submitted herewith is Appellants' Reply Brief to the Revised Examiner's Answer filed May 19, 2006. This timely Reply Brief is being submitted within two months from the date of the Revised Examiner's Answer, *i.e.*, by July 19, 2006. No fee is believed to be due in connection with the filing of this Reply Brief.

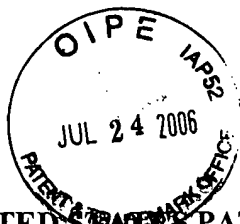
Date: July 19, 2006


Justin D. Swindells, Reg. No. 48,733
JENKENS & GILCHRIST
225 W. Washington Street, Suite 2600
Chicago, IL 60606
(312) 425-3900 – Telephone
(312) 425-3909 - Facsimile

ATTORNEYS FOR APPELLANTS

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REPLY APPEAL BRIEF PURSUANT TO 37 C.F. R. §§ 41.41

Dear Sir:

This Reply Appeal Brief is filed pursuant to 37 C.F.R. § 41.41. This timely Reply Appeal Brief is being filed within two months of the mailing of the Revised Examiner's Answer, *i.e.*, by July 19, 2006.

The Examiner is of the view that Sone teaches "an electric circuit board that comprises a board (4, 40, 42, 44, 48) with electrical terminals or electrically conductive patterns (50, 52, 22, 24) on its surfaces (also see col. 4, lines 31-34 and lines 36-40 and col. 6, lines 65-67)." Revised Answer, at page 5. Appellants submit that the Examiner's interpretation of an electric circuit board is not reasonable and not in accord with how one of ordinary skill in the art, including the inventor of the applied reference himself, would define that term.

Claim terms must be given their broadest **reasonable** interpretation consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000). The broadest reasonable interpretation must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999). Normally, the words of a claim are given their plain meaning unless defined otherwise in the specification. *Chef Am., Inc. v.*

Lamb-Weston, Inc., 358 F.3d 1371, 1372 (Fed. Cir. 2004). The plain and ordinary meaning refers to the ordinary and customary meaning, which is “the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, *i.e.*, as of the effective filing date of the patent application.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (2005) (*en banc*).

One of the applied references, Sone, clearly and unambiguously refers to the components that the Examiner believes correspond to an “electric circuit board” as being part of a **magnetic** circuit. This is potent evidence of what the inventor himself, someone of ordinary skill, of the applied reference believed those components to be. Indeed, Sone referred to element 62 as a “printed board,” differentiating between the magnetic circuit components surrounding the metal base plate 40 and a printed (circuit) board 62.

Regarding claim 29 and independent claim 31, the Examiner asserts that Sone teaches an electric circuit board that includes electronics for signal processing, citing col. 4, lines 30-41 of Sone. As explained in Appellants’ opening brief, Sone discloses that the conductive patterns 50, 52 on the insulating film 48 are “for electrical connections to **an external device.**” Col. 4, l. 34. Those patterns may be used **for** mounting circuits thereto, but Sone does not teach that the insulating film and conductive patterns include electronics for signal processing. Indeed, any electronics in Sone would be disposed on the printed board 62, not on the conductive patterns 50, 52. The stated objective of Sone was to reduce the overall height of the transducer package, col. 2, lines 33-36, col. 3, lines 1-2, col. 5, lines 8-10, col. 6, lines 48-51, an objective that would be destroyed by adding electronics to the conductive patterns 50, 52, which would add bulk to the transducer package and increase its overall height.

Regarding claims 27 and 35, Sone teaches that the “core 6 is screwed into the metal base plate 40 by threading both the small diameter portion 60 and the through hole 58.” Col. 5, lines 30-32. Thus, it is the **core 6** that is connected to the metal base plate 40 (which together form a closed magnetic, not an electric, circuit), not the coil 20. Thus, Sone does not teach a surface portion of an electric circuit board positioned against a coil by adhesion as claimed in claims 27 or 35.

The other applied reference is Lee, which the Examiner asserts shows an electric circuit board 3b (termed a “second vibration member” in Lee) positioned against a coil 8 in a substantially perpendicular relationship to the axis of the coil 8. The Examiner further asserts that the second vibration member 3b includes signal processing electronics, citing column 3, lines 65-67.

First, it is submitted that one of ordinary skill would not consider the second vibration member 3b to be an electric circuit board as claimed. Lee itself makes a clear distinction between the second vibration member and a printed circuit board to which the outer terminals 33b are connected. The Examiner does not identify the PCB (not shown) in Lee as corresponding to the claimed “electric circuit board.”

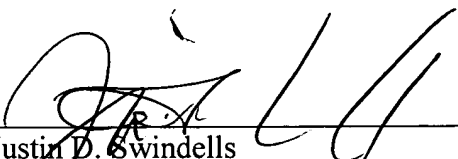
Second, regarding independent claim 31, which requires the electric circuit board to include signal processing electronics, **Lee does not disclose that the second vibration member 3b includes signal processing electronics.** The cited passage at column 3, lines 65-67 by the Examiner states that “[t]hereafter, the outer terminals 33b of the lead panel 23b are connected to a PCB (not shown) of a phone.” This citation does not support the Examiner’s rejection. Nowhere does this passage (or anywhere else in Lee) teach that the second vibration member 3b

includes signal processing electronics. **Neither Sone nor Lee disclose an electric circuit board including signal processing electronics as claimed in claim 31.**

For at least the foregoing reasons, the final rejection of appealed claims 8-11 and 27-36 set forth in the Final Office Action mailed May 19, 2004, should be reversed.

It is believed that no fees are presently due. However, the Commissioner is hereby authorized to charge Deposit Account No. 10-0447 (Order No. 47161-00031USPX for any fees inadvertently omitted which may be necessary now or during the pendency of this application, except for the issue fee.

Date: July 19, 2006


Justin D. Swindells
Reg. No. 48,733
JENKENS & GILCHRIST
225 W. Washington Street, Suite 2600
Chicago, IL 60606
(312) 425-3900 – Telephone
(312) 425-3909 - Facsimile

Attorneys for Appellants